

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE )  
ASSOCIATION, A/K/A FANNIE )  
MAE, )  
Plaintiff, )  
v. )  
ANDRES M. HERNANDEZ, JR.; )  
JOSE LUIS HERNANDEZ; AND )  
DOES 1 TO 10, INCLUSIVE, )  
Defendants. )

No. CV 13-8783 UA (DUTYx)

ORDER SUMMARILY REMANDING  
ACTION TO STATE COURT AND  
PROHIBITING DEFENDANT FROM  
FILING ANY FURTHER NOTICE OF  
REMOVAL OF LOS ANGELES  
SUPERIOR COURT CASE NO.  
13F07052

The Court will remand "Defendant, Jose Hernandez[']s] Notice of Removal of the Above Entitled Case to the United States District Court for the Central District of California," Case No. 13F07052, to state court summarily because Defendant removed it improperly.

On November 27, 2013, Defendant Jose Hernandez, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. Defendant has previously removed this same unlawful detainer proceeding on one prior occasion. On the prior occasion, this Court remanded the action noting that federal jurisdiction does not exist.

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1 The Court has denied the *in forma pauperis* application under separate cover  
2 because the action, again, was not properly removed. To prevent the action from  
3 remaining in jurisdictional limbo, the Court issues this Order to remand the action to  
4 state court. Moreover, to prevent Defendant from further abusing the federal court to  
5 obstruct his state proceedings without any basis, the Court issues this order prohibiting  
6 him from filing any further notice of removal with respect to this unlawful detainer  
7 action.

8 Simply stated, as the Court has previously determined, Plaintiff could not have  
9 brought this action in federal court in the first place, in that Defendant does not  
10 competently allege facts supplying either diversity or federal-question jurisdiction, and  
11 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*  
12 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if  
13 complete diversity of citizenship existed, the amount in controversy does not exceed the  
14 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the  
15 contrary, the unlawful-detainer complaint recites that the amount in controversy does not  
16 exceed \$10,000.

17 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*  
18 28 U.S.C. §§ 1331, 1441(b).

19 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
20 Superior Court of California, County of Los Angeles, Long Beach Courthouse, 275  
21 Magnolia Avenue, Long Beach, California 90802 for lack of subject matter jurisdiction  
22 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to  
23 the state court; and (3) that the Clerk serve copies of this Order on the parties.

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1 IT IS FURTHER ORDERED that Jose Hernandez is prohibited from filing any  
2 further Notice of Removals of this case from state court without an Order of the Court or  
3 of the Chief Judge of the Central District of California allowing him to do so.

4 IT IS SO ORDERED.

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6 DATED: 12/11/13

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10 GEORGE H. KING  
11 Chief United States District Judge

12 Presented by:

13   
14 /S/ FREDERICK F. MUMM  
15 FREDERICK F. MUMM  
16 United States Magistrate Judge  
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